

## DISTRICT OF NEVADA

VS.

Case No. 2:17-cv-02633-RFB-GWF

## REPORT AND RECOMMENDATION

Plaintiff filed his Complaint (ECF No. 1) on October 10, 2017. Since that time Plaintiff has filed a Demand for a Jury Trial (ECF NO. 4) and two Certificate of Service (ECF Nos 5 and 6). To date, Defendant has not filed an answer or any other responsive pleading.<sup>1</sup> Plaintiff has failed to file a Certificate of Interested Parties as required by Local Rule 7-1. On October 26, 2017, the Court ordered Plaintiff to file his Certificate of Interested Parties no later than November 3, 2017. *Order* (ECF No. 3). Plaintiff failed to do so. On November 13, 2017, the Court again ordered Plaintiff to file a Certificate of Interested Parties no later than November 22, 2017. *Order* (ECF No. 7). Plaintiff once again failed to do so.


<sup>1</sup> It is possible that Plaintiff has not yet properly served Defendant. Plaintiff's first Certificate of Service (ECF No. 5) states that Defendant was served by certified mail. That alone is not a proper way to serve a party. Plaintiff's second Certificate of Service (ECF No. 6) states that the process server served two copies of the summons on "Kale Gans, Deputy Attorney General." This again, does not appear to be proper service.

1 has not filed a Certificate of Interested Parties or taken any other action to prosecute this case.

2 Accordingly,

3 **IT IS HEREBY RECOMMENDED** that Plaintiff's Complaint (ECF No. 1) be **dismissed**  
4 without prejudice.

5 DATED this 14th day of December, 2017.

6   
7 GEORGE FOLEY, JR.  
8 United States Magistrate Judge  
9

10 **NOTICE**

11 This Report of Findings and Recommendation is submitted to the assigned district judge pursuant  
12 to 28 U.S.C. § 636(b)(1) and is not immediately appealable to the Court of Appeals for the Ninth Circuit.  
13 Any notice of appeal to the Ninth Circuit should not be filed until entry of the district court's judgment.  
14 See Fed. R. App. Pro. 4(a)(1). Pursuant to LR IB 3-2(a) of the Local Rules of Practice, any party wishing  
15 to object to a magistrate judge's findings and recommendations of shall file and serve *specific written*  
16 *objections*, together with points and authorities in support of those objections, within 14 days of the date  
17 of service. See also 28 U.S.C. § 636(b)(1); Fed. R. Civ. Pro. 6, 72. The document should be captioned  
18 "Objections to Magistrate Judge's Report of Findings and Recommendation," and it is subject to the page  
19 limitations found in LR 7-3(b). The parties are advised that failure to file objections within the specified  
20 time may result in the district court's acceptance of this Report of Findings and Recommendation without  
21 further review. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). In addition, failure  
22 to file timely objections to any factual determinations by a magistrate judge may be considered a waiver  
23 of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to  
24 the recommendation. See *Martinez v. Ylst*, 951 F.2d 1153, 1156 (9th Cir. 1991); Fed. R. Civ. Pro. 72.  
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